

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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In re:

Bracha Cab Corp. et. al.,

Debtors.

Chapter 11

Case No. 17-46613-nhl

Jointly Administered

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**APPELLEE'S DESIGNATION OF  
RECORD AND ISSUES ON APPEAL**

Appellee, Bracha Cab Corp. et. al. ("Debtors" or "Appellee"), pursuant to Rule 8009 of the Federal Rules of Bankruptcy Procedure as and for their Designation of Record and Statement of Issues on appeal from this Court's order dated June 30, 2019 approving the Debtors' settlement agreement with Capital One Equipment Finance Corp. f/k/a All Points Capital Corp, d/b/a Capital One Taxi Medallion Finance and the defendants to the adversary proceeding commenced by the Debtors, respectfully designates the following matters for the record and states the following issues on appeal:

**I. DESIGNATION OF RECORD ON APPEAL:**

<u>No.</u>	<u>Date</u>	<u>Description</u>
32	03/7/18	Notice of Appearance on behalf of Ruben Elberg
57	04/20/18	Transcript of April 18, 2018 hearing
58	04/20/18	Transcript of April 18, 2018 hearing
64	05/17/18	Notice of Proposed Stipulation for Use of Cash Collateral
65	05/25/18	Ruben Elberg Declaration in Response to Stipulation for Use of Cash Collateral
69	05/25 /18	Capital One Response to Ruben Elberg Declaration

70 05/25/18 Debtors' Reply to Ruben Elberg Declaration  
73 06/4/18 Stipulation and Order authorizing Use of Cash Collateral

II. STATEMENT OF ISSUES:

1. Did the Bankruptcy Court err in granting the Debtors' motion to approve the settlement as a valid exercise of the Debtors' business judgment?

2. Did the Bankruptcy Court err in overruling Ruben Elberg's objection to the settlement and approving the settlement by finding that approval of the settlement met the criteria set forth in Federal Rule Bankruptcy Procedure 9019 and satisfied the factors used by courts in this Circuit for approval of settlements in the Bankruptcy Court?

3. Did the Bankruptcy Court err in finding that the settlement was above the lowest level of reasonableness and was fair, equitable, and in the best interests of the Debtors' estates?

4. Did the Bankruptcy Court err in approving the settlement when a third party came forward with the funds necessary to fund the settlement?

5. Did Debtors' counsel follow the proper procedure for submission of orders when it submitted the Order Authorizing and Approving Settlement Agreement?

Dated: Brooklyn, New York  
July 30, 2019

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By: /s/

  
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